



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,085	05/11/2007	Paul Adams	BIC-027.D1	1674

29626 7590 02/04/2010
THE H.T. THAN LAW GROUP
WATERFRONT CENTER SUITE 560
1010 WISCONSIN AVENUE NW
WASHINGTON, DC 20007

EXAMINER

TIETJEN, MARINA ANNETTE

ART UNIT	PAPER NUMBER
----------	--------------

3753

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

02/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

padma@htthan.com
marianne@htthan.com
pricilla@htthan.com

Office Action Summary	Application No. 10/596,085	Applicant(s) ADAMS ET AL.	
	Examiner MARINA TIETJEN	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed on 11/23/2009. As directed by the amendment: claim 57 has been amended. Thus, claims 57-65 are presently pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 57-65 have been considered but are moot in view of the new ground(s) of rejection. The amendments to the claims "(iii) securing the inner liner and valve to the outer casing; and (iv) attaching the valve by heat to the outer casing" changed the scope of the previously presented claims and therefore necessitated new grounds of rejection. The instant Office action has been made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 3753

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deinzer (U.S. Pub. No. 2006/0172171) in view of Dabney et al. (U.S. Pat. No. 3,795,558).

Deinzer disclose a method for sealing a fuel supply (fig. 7), wherein the fuel supply comprises a valve (figs. 10a, 10b), an outer casing (2) including a first opening (opening through which valve fits in), and an inner liner (1) including a second opening (opening through which flow would pass to valve), the method comprising the steps of:

- (i) inserting the valve (10a, 10b) of the fuel supply into the second opening of the inner liner (1);

- (ii) attaching the valve to the inner liner (1) ;

- (iii) securing the inner liner (1) and valve (10a, 10b) to the outer casing [the inner liner is attached to the valve and therefore secured to the outer casing when the valve is attached to the outer casing]; and

- (iv) attaching the valve to the outer casing (2, fig. 7); and

wherein the fuel is methanol.

Art Unit: 3753

However, Deinzer does not disclose the specifics of how the valve is attached to the outer casing or the inner liner and therefore does not disclose the attachment is by heat or by ultrasonic welding.

Dabney et al. teach the use of ultrasonic energy for sealing two plastic rigid members together (such as the valve and outer casing) is known in the art and would have been within the technical grasp of a person having ordinary skill to pursue as a means for attaching the valve to the outer casing to provide a secure and hermetic attachment, and further teach a method for connecting two parts together by ultrasonic welding, wherein one is a flexible liner (6) and the other is a rigid outer casing (32), for the purpose of providing a seal which is mechanically strong and hermetic using a method which is easy to use, rapid, inexpensive, and allows the use of inexpensive materials (col. 2, lines 35-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Deinzer's invention, such that the valve was attached to the inner lining and the outer casing by ultrasonic welding, as taught by Dabney et al, for the purpose of providing a seal which is mechanically strong and hermetic using a method which is easy to use, rapid, inexpensive, and allows the use of inexpensive materials.

6. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deinzer (U.S. Pub. No. 2006/017211) in view of Dabney et al. (U.S. Pat. No. 3,795,558) further in view of de Pous et al. (U.S. Pat. No. 6,021,930).

Art Unit: 3753

Deinzer discloses the invention as essentially claimed, except for wherein the outer casing comprises at least one ledge and at least one slanted inside wall, and the inner lining comprises at least one snap-fit and at least one barb, and wherein the step of inserting the inner liner and valve into the outer casing further comprises advancing the inner liner until the at least one snap-fit engages with the at least one ledge and until the at least one barb engages with the at least one slanted inside wall.

De Pous et al. teaches a method of attaching a flexible liner (14, fig. 1,9) to a rigid outer casing (20) wherein the outer casing (30) comprises a ledge (29, fig. 9) and a slanted inside wall (slanted inner wall on 18) and the inner lining (14) comprises a snap-fit (31) and a barb (16), and wherein the inner lining (14) is advanced into the outer casing (30) until the snap-fit (31) engages with the ledge (29) and until the barb (16) engages with the slanted inside wall (slanted inside wall of 18), for the purpose of providing a secure attachment between a flexible liner and a rigid outer casing and for the purpose of providing means that indicate the liner is fully inserted into the outer casing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Deinzer's invention such that the outer casing comprises at least one ledge and at least one slanted inside wall, and the inner lining comprises at least one snap-fit and at least one barb, and wherein the step of inserting the inner liner and valve into the outer casing further comprises advancing the inner liner until the at least one snap-fit engages with the at least one ledge and until the at least one barb engages with the at least one slanted inside wall, as taught by de Pous et al., for the

Art Unit: 3753

purpose of providing a secure attachment between a flexible liner and a rigid outer casing and for the purpose of providing means that indicate the liner is fully inserted into the outer casing.

7. Claims 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deinzer (U.S. Pub. No. 2006/0172171) in view of Dabney et al. (U.S. Pat. No. 3,795,558) further in view of Hobbs (U.S. Pat. No. 5,244,615).

Deinzer discloses the invention as essentially claimed, except for wherein the inner liner is rendered fuel-resistant by fabricating the inner liner from fluorinated low-density polyethylene.

Hobbs teaches fluorinated low-density polyethylene containers are commonly used for their barrier properties against leakage and resistance of methanol fuel (col. 1, lines 13-20; col. 3, line 63; col. 4, lines 3-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Deinzer's invention, such that the inner liner is fabricated from a fluorinated low-density polyethylene, as taught by Hobbs, in a manner known in the art to improve a container's resistance to solvents such as methanol.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pub. No. 2005/0058879 (Guay), 2004/0131903 (Shioya), 2004/0096721 (Ohlsen et al.), 2004/0072049 (Becerra et al.), 2004/0023087

Art Unit: 3753

(Redmond), 2004/0023081 (Ushiro et al.), and U.S. Pat. Nos. 6,506,513 (Yonetsu et al.) and 5,976,725 (Gamo et al.).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA TIETJEN whose telephone number is (571) 270-5422. The examiner can normally be reached on Mon-Thurs, 9:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBIN EVANS can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3753

/John K. Fristoe Jr./
Primary Examiner, Art Unit 3753